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June 4, 2013

VIA ECF FILING

The Honorable James L. Robart
United States District Court
Western District of Washington
700 Stewart Street, Suite 14128
Seattle, WA 98101-9906

RE: *Microsoft Corp. v. Motorola Mobility, Inc.*
Case No. C10-1823-JLR

Dear Judge Robart:

The topics that Motorola and Microsoft would like to discuss during the telephonic hearing on June 5, 2013 at 4:30 pm are:

1. Potential use of the Court's Findings of Fact and Conclusions of Law, dated April 19, 2013 (Docket # 673), during the August 26, 2013 jury trial in this matter;
2. Potential use of Microsoft's experts Orchard and O'Hara, whose reports cite the Court's Findings of Fact and Conclusions of Law at length; and
3. Potential use of earlier orders of the Court to the extent not duplicated in the Findings of Fact and Conclusions of Law, such proposed excerpts to be identified by the parties on a date set by the Court.

As directed by your Minute Order, we will be prepared to discuss the need for additional briefing with respect to the legal standard for bad faith in the context of the contractual dispute at issue in this case for purposes of the August 26, 2013, jury trial. Please advise us if there are additional subjects that the Court would like the parties to be prepared to discuss.

Respectfully,

CALFO HARRIGAN LEYH & EAKES LLP

/s/ *Arthur W. Harrigan, Jr.*
Arthur W. Harrigan, Jr.

SUMMIT LAW GROUP PLLC

/s/ *Ralph H. Palumbo*
Ralph H. Palumbo

cc: All Counsel of Record (via ECF)